

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 1-2. This sheet, which includes Figs. 1-2 replaces the original sheet including Figs. 1-2. In Figure 1 previously omitted labels, “portable electronic apparatus”, “housing”, “lid”, “edge of lid” and “connection unit” have been added. In Figure 2, previously omitted labels, “portable electronic apparatus”, “housing”, “lid”, “edge of lid” and “connection unit” have been added. In addition, legend and associated label – “1 portable electronic apparatus” has been added.

Attachment: Replacement Sheet
 Annotated Sheet Showing Changes

REMARKS

The present amendment is submitted in response to the Office Action mailed June 1, 2006. Claims 1 and 3-7 are currently pending in the application. No new matter or issues are believed to be introduced by this amendment. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Objections to Specification

In the Office Action, the Specification was objected to for failing to include section headings. Applicants respectfully decline to add headings as they are not required in accordance with MPEP §608.01(a).

Objections to Abstract

In the Office Action, the abstract of the disclosure was objected to for having two paragraphs. By means of the present amendment, the current Abstract has been amended as shown in the enclosed Replacement Abstract in a manner which is believed to overcome the objection. Withdrawal of the objection is respectfully requested.

Drawing Objection

The attached drawing sheet replaces the original drawing sheet for Figs. 1-2.

35 U.S.C. §103(a)

Claims 1 and 5-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,529,714 issued to Nakamura et al. (hereinafter "Nakamura") in view of U.S. Patent No. 3,870,184 issued to Donnelly.

As the basis for the rejection under 35 U.S.C. §103(a), the Examiner states that with regard to Claims 1 and 5-7, Nakamura does not specifically teach the lever element being arranged to bend a material of lower hardness, external to the portable electronic apparatus, by way of a leverage effect. The Examiner cites Donnelly regarding this claim limitation. Specifically, the Examiner cites Donnelly for teaching a belt clip (i.e., lever element) being arranged to bend a material of lower hardness, external to the portable electronic apparatus, by way of a leverage effect. The Examiner therefore asserts that it would have been obvious to modify Nakamura to incorporate the lever element being arranged to bend a material of lower hardness, external to the portable electronic apparatus, by way of a leverage effect in order to use the lever element for multipurpose.

Independent Claim 1 has been amended herein to better define Applicant's invention and to patentably distinguish Applicants' invention over Nakamura in view of Donnelly. In particular, Claim 1 now recites:

A portable electronic apparatus (1) whose housing (2) is provided with a housing part that is constructed as a lever element (3), which is integrally arranged in a wall of the housing and is arranged to cover at least partly a battery pack said lever element being arranged to bend a material of lower hardness, external to the portable electronic apparatus, by way of a leverage effect.
{Emphasis Added}

It is respectfully submitted that Nakamura in view of Donnelly does not disclose or suggest Applicants' invention as now recited by Applicant's Claim 1.

Donnelly discloses, as seen throughout the figures, a belt clip (lever element) that is pivotally connected to a housing element of a personal communication device. Donnelly teaches at Col. 5, lines 32-44:

Tool 62 is secured to adapter 6, as described, by aligning hinge flanges 38 and 70 and holes 40 and 72, and then pressing a pin therethrough. In order to provide the pressure necessary to secure a personal communications device to an article of clothing, spring clip 54 like that shown in FIGS. 5a and 5b, or a coil spring, not shown in the Figures, may be inserted between belt clip 60 and adapter 6 during assembly. Spring 54 biases bottom end

78 towards the personal communications device thereby providing the pressure required to secure the personal communications device to an article of clothing.

It is respectfully submitted that Nakamura and Donnelly, in any proper combination, does not disclose or suggest, a housing part constructed as a lever element (3), which is integrally arranged in a wall of the housing and is arranged to cover at least partly a battery pack, as recited in Claim 1, as amended.

Rather, the belt clip of Donnelly is a device for securing a personal communication device to a user's belt or clothing. As such, it is not part of the housing and neither is it integral with the housing of the personal communication device, as recited in Claim 1. Rather, the belt clip utilizes hinge flanges 70, pins and coil springs, as discussed above, for mating to the personal communication device.

It is respectfully submitted that at least the limitations and/or features of Claim 1 which are underlined above is not anticipated by the disclosures of Nakamura and Donnelly, taken in any proper combination.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 1 and allowance thereof is respectfully requested.

Claim 5 depends from independent Claim 1 and therefore contain the limitations of Claim 1 and is believed to be in condition for allowance for at least the same reasons given for Claim 1 above. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claim 1 is respectfully requested.

Independent Claims 6 and 7 as amended, recites similar subject matter as Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 6 and 7 are believed to be allowable over the combination of Nakamura and Donnelly.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 6 and 7 is respectfully requested.

35 U.S.C. §103(a)

In the Office Action, Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamura in view of Donnelly in further view of U.S. Patent No. 3,870,184 to Fuchs et al. (hereinafter “Fuchs”).

Claim 3 depends from Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claim 3 is believed to be allowable over the Nakamura in view of Donnelly in further view of Fuchs.

Accordingly, applicant respectfully request withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 3 and allowance thereof is respectfully requested.

35 U.S.C. §103(a)

In the Office Action, Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamura in view of Donnelly in further view of U.S. Patent No. 5,260,146 to Savovic et al. (hereinafter “Savovic”).

Claim 4 depends from Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claim 4 is believed to be allowable over the Nakamura in view of Donnelly in further view of Savovic.

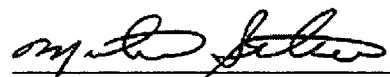
Accordingly, applicant respectfully request withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 4 and allowance thereof is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1 and 3-7 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Paul Im, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



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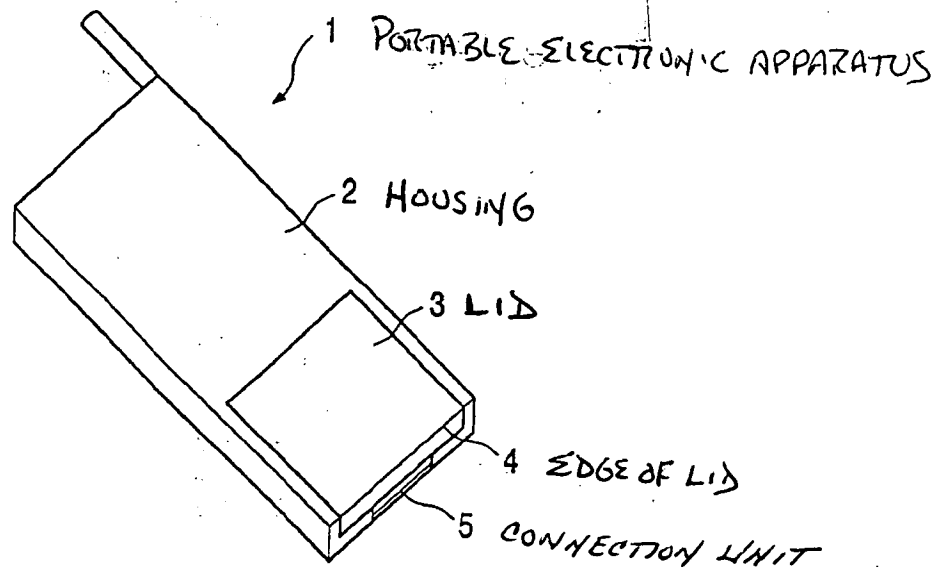


FIG. 1

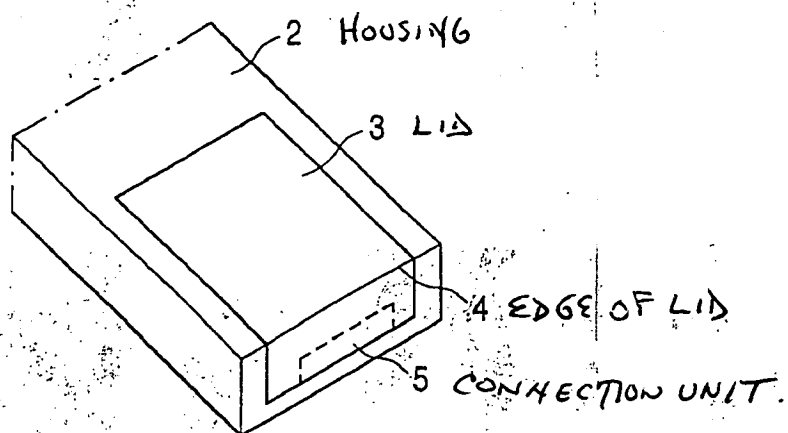


FIG. 2